

REMARKS

In light of the above amendments and remarks to follow, reconsideration and allowance of this application are respectfully requested.

Claims 1, 2, 4, 7-9, 13 and 15-22 are pending in this application. Claims 14 and 23-24 are canceled.

Claims 1-2, 4, 7-9, 13-15, 17, 19, 21, and 23 were rejected under 35 U.S.C. 102(e) as being anticipated by Schneck et al. (Published U.S. Application 2001/0021926). Claims 16, 18, 20, 22, and 24 were rejected under 35 U.S.C. 103(a) as being unpatentable over Schneck in view of Kobata et al. (Published U.S. Application 2002/0077985).

In the present invention, "performs a feature extracting operation of extracting a feature pattern from the file and comparing the feature pattern with a plurality of stored feature patterns to determine the content of the file" (Claims 1, 8, 9, 13) The feature extraction 101 is shown in Figure 2 and described in the specification from page 14, line 12 to page 15, line 20. For disclosed, the present invention may extract the first five seconds of a music file (Figure 3), perform an FFT on the extracted data to obtain the frequency characteristics and generate a feature pattern corresponding to the music file. This feature pattern can then be matched with a database of feature patterns to determine the precise music file which is going to be transmitted over the network.

Applicants respectfully assert that neither Schneck or Kobata discloses an analogous feature extracting operation for use in determining the file to be transmitted. Accordingly, for at least this reason, Schneck and Kobata fail to anticipate/obviate the present invention and the rejected claims

should now be allowed.

In view of the above, each of the presently pending claims in this application is believed to be in immediate condition for allowance. Accordingly, the Examiner is respectfully requested to withdraw the outstanding rejection of the claims and to pass this application to issue.

If, however, for any reason the Examiner does not believe that such action can be taken at this time, it is respectfully requested that the Examiner telephone applicants' attorney at (908) 654-5000 in order to overcome any additional objections which the Examiner might have.

If there are any additional charges in connection with this requested amendment, the Examiner is authorized to charge Deposit Account No. 12-1095.

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Respectfully submitted,

By 

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